

# BOND SCHOENECK & KING

One Lincoln Center | Syracuse, NY 13202-1355 | [bsk.com](http://bsk.com)

J. P. WRIGHT, ESQ.  
[jwright@bsk.com](mailto:jwright@bsk.com)  
P: 315.218.8565  
F: 315.218.8432

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## VIA ECF

Hon. Miroslav Lovric  
Magistrate Judge  
Northern District of New York District Court  
Federal Building and New York Courthouse  
15 Henry Street  
Binghamton, New York 13901

Re: *Kearns v. Wallin and Syracuse University*  
Case No.: 5:23-cv-01500

Dear Magistrate Judge Lovric:

We represent Theodore O. Wallin ("Mr. Wallin") in the above-referenced action. We write in response to the Court's January 16, 2024 Text Order (Docket No. 17), which requested a report from all parties regarding diversity jurisdiction and a response from Plaintiff and Mr. Wallin to the motion to stay the proceedings filed by Syracuse University (the "University").

## DIVERSITY JURISDICTION

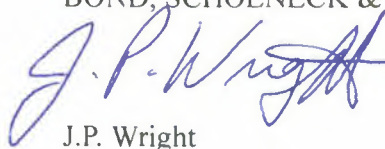
With respect to diversity jurisdiction, we report that Mr. Wallin owns the residence in which he resides – 213 Bradford Parkway, Syracuse, New York 13224. Mr. Wallin also maintains a New York State Driver's license (and has for many years) and pays New York State taxes. Accordingly, Mr. Wallin is a citizen of New York and is domiciled in New York.

## MOTION FOR STAY

We agree with the University and Plaintiff that this action should be stayed. The insurance policy provided by the University (Docket No. 16-3) lists "Teachers and Staff" as additional insureds. As Mr. Wallin was a University professor at the time of the alleged acts set forth in the Complaint, he qualified as an additional insured under the applicable policy of insurance and this action should be stayed with respect to the University and Mr. Wallin.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC



J.P. Wright